

January 5, 2005

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: CS Docket No. 97-80 (Commercial Availability of Navigation
Devices)**

Dear Ms. Dortch:

This letter corrects certain misrepresentations made in a written ex parte filing by the National Cable and Telecommunications Association (“NCTA”) on December 23, 2005, which reported an in-person meeting between representatives of NCTA, Comcast Corporation, Time Warner Cable, Cox Communications, CableLabs, and the Media Bureau staff.

The written ex parte filing includes lists of “OpenCable ECR Participants” and “OCAP IPR Signators”. Both lists include Sony Electronics Inc. (“SEL”) and what appear to be affiliates of SEL.¹

The Commission should not interpret SEL’s inclusion on these lists or, by extension, SEL’s participation in the OpenCable ECR process or its execution of the OpenCable Contribution Agreement, which includes the OpenCable IPR policy, as an endorsement by SEL of the CableLabs OpenCable™ initiative, the OpenCable™ Application Platform (“OCAP”), the OpenCable engineering change request (“ECR”) process, the CableCARD-Host Interface License Agreement (“CHILA”), or related CableLabs initiatives or agreements.

¹ “OpenCable ECR Participants” list: Sony, Sony [*sid*], Sony Corporation of America, Sony Corporation, HAV Company, Sony Electronics, Sony Electronics, Inc. [*sid*], Sony Semiconductor Europe. “OCAP IPR Signators” list: Sony Electronics, Inc. [*sid*].

SEL has participated in the OpenCable ECR process in an effort to change the OCAP specification in ways that would permit the retail availability of multi-function consumer electronics products that can receive bi-directional cable programming. It is SEL's opinion that OCAP, in its current form, does not meet this goal. The OpenCable ECR process is the only avenue available for interested parties to suggest changes to OCAP.

SEL signed the OpenCable Contribution Agreement, which includes the OpenCable IPR policy, because execution of that agreement was required for participation in the joint CEA-NCTA technical working group. This group is also investigating ways to ensure that OCAP allows for the retail availability of multi-function consumer electronics products that can receive bi-directional cable programming. SEL protested having to sign the OpenCable Contribution Agreement, but was told it would be excluded from the joint CEA-NCTA technical working group if it refused to do so.

In short, the Commission should interpret SEL's participation in the OpenCable ECR process and its execution of the OpenCable Contribution Agreement as evidence that SEL is dedicated to fixing what it considers to be the flaws in OCAP. It should not interpret either action as an endorsement of OCAP as it now exists, or the process by which CableLabs has controlled the development of the OCAP specification to date.

Respectfully submitted,
/s/
Jim Morgan
Director and Counsel
Government and Industry Relations
Sony Electronics Inc.

cc: (via electronic mail)
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